

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED October 24, 2014

MARVIN A. EATON, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff(s),

v.

EDAP TMS S.A., MARC
OCZACHOWSKI, and ERIC SOYER,

Defendants.

Case No. 1:14-cv-06069-LGS

RONNIE HADDAD, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff(s),

v.

EDAP TMS S.A., MARC
OCZACHOWSKI, and ERIC SOYER,

Defendants.

Case No. 1:14-cv-06188-LGS

**ORDER CONSOLIDATING THE RELATED ACTIONS, APPOINTING
LEAD PLAINTIFF AND APPROVING SELECTION OF COUNSEL**

WHEREAS, the Court has considered the motions for Consolidation, Appointment of Lead Plaintiff and Approval of Counsel,

IT IS HEREBY ORDERED THAT:

I. CONSOLIDATION

1. Pursuant to Federal Civil Procedure Rule 42, the above captioned actions are hereby consolidated for all purposes into one action.

2. These actions shall be referred to herein as the “Consolidated Action.” This Order shall apply to the Consolidated Actions and to each case that is subsequently filed in this Court that relates to the same subject matter as in the Consolidated Actions.

3. Every pleading in this Consolidated Action shall bear the following Caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re EDAP TMS S.A. Securities Litigation

THIS DOCUMENT RELATES TO:

No. 1:14-cv-06069-LGS

CLASS ACTION

[TITLE OF DOCUMENT]

4. When the document being filed pertains to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Document Relates To:” When the document applies to some, but not all, of the actions, the document shall list, immediately after the phrase “This Document Relates To:”, the docket number for each individual action to which the document applies, along with the name of the first-listed plaintiff in said action.

5. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case which might not properly be consolidated as part of this Consolidated Action.

II. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

6. Having reviewed all pending Motions and accompanying Memoranda of Law, the Court hereby appoints Ryan H. Tennebar (“Tennebar”) as Lead Plaintiff. Tennebar satisfies the requirements for Lead Plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the Private Securities Litigation Reform Act of 1995 (“PSLRA”).

7. Lead Plaintiff, pursuant to Section 21D(a)(3)(B)(v), has selected and retained Pomerantz LLP as Lead Counsel for the Class in this action.

8. Plaintiff’s Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- (a) to coordinate the briefing and argument of motions;
- (b) to coordinate the conduct of discovery proceedings;
- (c) to coordinate the examination of witnesses in depositions;
- (d) to coordinate the selection of counsel to act as a spokesperson at pretrial conferences;
- (e) to call meetings of the plaintiff’s counsel as they deem necessary and appropriate from time to time;
- (f) to coordinate all settlements negotiations with counsel for defendants;
- (g) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- (h) to supervise any other matters concerning the prosecution, resolution or settlement of the Action.

9. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiff. No settlement negotiations shall be conducted without the approval of Lead Counsel.

10. Counsel in any related action that is consolidated with the Consolidated Action

shall be bound by this organization of plaintiff's counsel.


11. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices.

12. Lead Counsel shall be the contact between plaintiff's counsels, and shall direct and coordinate the activities of plaintiff's counsel.

13. Defendants shall affect service of papers on plaintiff by serving a copy of same on Lead Counsel by overnight mail service, electronic or hand delivery. Plaintiff shall affect service of papers on defendants by serving a copy of same on defendants' counsel by overnight mail service, electronic or hand delivery.

SO ORDERED.

Dated: October 24, 2014
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE